

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 591

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Dianne Miller Hamilton

AN ACT

RELATING TO ELECTIONS; REQUIRING IN-PERSON VOTERS TO PRESENT PHOTO IDENTIFICATION BEFORE VOTING; REQUIRING PHOTO IDENTIFICATION TO BE PRESENTED WHEN REGISTERING TO VOTE; REQUIRING VOTERS VOTING BY MAIL-IN ABSENTEE BALLOT TO SUBMIT AN IDENTIFICATION NUMBER; PROVIDING FOR FREE VOTER IDENTIFICATION CARDS ISSUED BY THE MOTOR VEHICLE DIVISION OF THE TAXATION AND REVENUE DEPARTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Election Code is enacted to read:

"[NEW MATERIAL] PHOTO IDENTIFICATION CARDS.--The motor vehicle division of the taxation and revenue department shall issue without charge a photo identification card to a person who does not possess a state driver's license or other required

underscored material = new  
[bracketed material] = delete

1 voter identification and presents any of the following  
2 identification documents to a motor vehicle division office:

- 3 A. a state-issued public assistance card;  
4 B. a social security card;  
5 C. a current utility bill with the applicant's name  
6 and address listed; or  
7 D. a birth certificate."

8 Section 2. Section 1-1-24 NMSA 1978 (being Laws 2005,  
9 Chapter 270, Section 6, as amended) is amended to read:

10 "1-1-24. REQUIRED VOTER IDENTIFICATION.--As used in the  
11 Election Code, "required voter identification" means ~~[any of]~~  
12 the following forms of identification ~~[as chosen by the voter:~~

13 ~~A. a physical form of identification, which may be:~~  
14 ~~(1) an original or copy of a current and valid~~  
15 ~~photo identification with or without an address, which address~~  
16 ~~is not required to match the voter's certificate of~~  
17 ~~registration; or~~

18 ~~(2) an original or copy of a utility bill,~~  
19 ~~bank statement, government check, paycheck, student~~  
20 ~~identification card or other government document, including~~  
21 ~~identification issued by an Indian nation, tribe or pueblo,~~  
22 ~~that shows the name and address of the person, the address of~~  
23 ~~which is not required to match the voter's certificate of~~  
24 ~~registration; or~~

25 B. a verbal or written statement by the voter of

.175611.1

underscored material = new  
[bracketed material] = delete

1 ~~the voter's name, registration address and year of birth;~~  
2 ~~provided, however, that the statement of the voter's name need~~  
3 ~~not contain the voter's middle initial or suffix]:~~

4 A. for a person voting in person at an alternate  
5 voting site, at the county clerk's office or at a polling place  
6 on election day, or a person registering to vote with a  
7 registration agent, one of the following current and valid  
8 documents containing the person's photo:

9 (1) a New Mexico driver's license;

10 (2) a New Mexico photo identification card  
11 issued by the motor vehicle division of the taxation and  
12 revenue department;

13 (3) a United States passport;

14 (4) a debit or credit card;

15 (5) a military identification card; or

16 (6) a public assistance identification card;

17 and

18 B. for a person voting by mail-in absentee ballot,  
19 or a person registering to vote by mail, an identifying number  
20 for the person, which may be the person's:

21 (1) New Mexico driver's license number;

22 (2) New Mexico photo identification card  
23 number; or

24 (3) social security number."

25 Section 3. Section 1-4-5.1 NMSA 1978 (being Laws 1993,

.175611.1

underscored material = new  
[bracketed material] = delete

1 Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7,  
2 as amended) is amended to read:

3 "1-4-5.1. METHOD OF REGISTRATION--FORM.--

4 A. A qualified elector may apply for registration  
5 by mail, in the office of the secretary of state or county  
6 clerk or with a registration agent or officer.

7 B. A person may request certificate of registration  
8 forms from the secretary of state or any county clerk in  
9 person, by telephone or by mail for that person or for other  
10 persons.

11 C. Except as provided in Subsection D of this  
12 section, a qualified elector who wishes to register to vote  
13 shall fill out completely and sign the certificate of  
14 registration. The qualified elector may seek the assistance of  
15 any person in completing the certificate of registration. The  
16 qualified elector shall present the required voter  
17 identification to the registration agent, and the registration  
18 agent shall record on the registration certificate the type of  
19 identification presented by the qualified elector and sign the  
20 certificate attesting that proper identification was presented  
21 by the qualified elector.

22 D. A qualified elector who has filed for an order  
23 of protection pursuant to the provisions of the Family Violence  
24 Protection Act and who presents a copy of that order from a  
25 state or tribal court to the registration officer shall not be

.175611.1

1 required to provide physical residence address information on  
2 the certificate of registration.

3 E. Completed certificates of registration may be  
4 mailed or presented in person by the registrant or any other  
5 person to the secretary of state or presented in person by the  
6 registrant or any other person to the county clerk of the  
7 county in which the registrant resides.

8 F. If the registrant wishes to vote in the next  
9 election, the completed and signed certificate of registration  
10 shall be delivered or mailed and postmarked at least twenty-  
11 eight days before the election.

12 G. Upon receipt of a certificate of registration,  
13 the secretary of state shall send the certificate to the county  
14 clerk in the county where the qualified elector resides.

15 H. Only when the certificate of registration is  
16 properly filled out, signed by the qualified elector and  
17 accepted for filing by the county clerk as evidenced by the  
18 county clerk's signature or stamp and the date of acceptance  
19 thereon and when notice has been received by the registrant  
20 shall it constitute an official public record of the  
21 registration of the qualified elector.

22 I. The secretary of state shall prescribe the form  
23 of the certificate of registration, which form shall be a  
24 postpaid mail-in format and shall be printed in Spanish and  
25 English. The certificate of registration form shall be clear

underscored material = new  
[bracketed material] = delete

1 and understandable to the average person and shall include  
2 brief but sufficient instructions to enable the qualified  
3 elector to complete the form without assistance. The form  
4 shall also include:

5 (1) the question "Are you a citizen of the  
6 United States of America?" and boxes for the applicant to check  
7 to indicate whether the applicant is or is not a citizen;

8 (2) the question "Will you be at least  
9 eighteen years of age on or before election day?" and boxes for  
10 the applicant to check to indicate whether the applicant will  
11 be eighteen years of age or older on election day;

12 (3) the statement "If you checked 'no' in  
13 response to either of these questions, do not complete this  
14 form.";

15 (4) a statement informing the applicant that

16 ~~[(a) if the form is submitted by mail by~~  
17 ~~the applicant and the applicant is registering for the first~~  
18 ~~time in New Mexico, the applicant must submit with the form a~~  
19 ~~copy of: 1) a current and valid photo identification; or 2) a~~  
20 ~~current utility bill, bank statement, government check,~~  
21 ~~paycheck, student identification card or other government~~  
22 ~~document, including identification issued by an Indian nation,~~  
23 ~~tribe or pueblo, that shows the name and current address of the~~  
24 ~~applicant; and~~

25 ~~(b) if the applicant does not submit the~~

.175611.1

underscored material = new  
[bracketed material] = delete

1 ~~required identification~~] the applicant will be required to [~~de~~  
2 ~~se~~] present the required voter identification when voting in  
3 person or absentee; and

4 (5) a statement requiring the applicant to  
5 swear or affirm that the information supplied by the applicant  
6 is true."

7 Section 4. Section 1-6-4 NMSA 1978 (being Laws 1969,  
8 Chapter 240, Section 130, as amended) is amended to read:

9 "1-6-4. ABSENTEE BALLOT APPLICATION--FEDERAL QUALIFIED  
10 ELECTOR--OVERSEAS VOTER.--

11 A. Application by a federal qualified elector or an  
12 overseas voter for an absentee ballot shall be made on the  
13 official postcard form prescribed or authorized by the federal  
14 government to the county clerk of the county of the applicant's  
15 residence. The form shall allow the applicant to receive an  
16 absentee ballot for all elections within an election cycle.

17 B. Application by a voter for an absentee ballot  
18 shall be made only on a form prescribed by the secretary of  
19 state in accordance with federal law. The form shall identify  
20 the applicant and contain information to establish the  
21 applicant's qualification for issuance of an absentee ballot  
22 under the Absent Voter Act; provided that on the application  
23 form for a general election ballot there shall be no box, space  
24 or place provided for designation of the voter's political  
25 party affiliation.

.175611.1

underscored material = new  
[bracketed material] = delete

1           C. Each application for an absentee ballot shall be  
2 subscribed by the applicant and shall require the applicant's  
3 printed name, registration address and year of birth to be  
4 supplied by the applicant [~~which shall constitute the required~~  
5 ~~form of identification, except for new registrants who have~~  
6 ~~registered by mail and at that time did not provide acceptable~~  
7 ~~identification~~]. The secretary of state shall issue rules to  
8 exempt voters from submitting identification only as required  
9 by federal law and shall review and, if necessary, update these  
10 rules no later than March 15 of even-numbered years.

11           D. An application for an absentee ballot by a  
12 federal qualified elector or an overseas voter shall be  
13 accepted at any time preceding the general election."

14           Section 5. Section 1-6-5 NMSA 1978 (being Laws 1969,  
15 Chapter 240, Section 131, as amended) is amended to read:

16           "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

17           A. The county clerk shall mark each completed  
18 absentee ballot application with the date and time of receipt  
19 in the clerk's office and enter the required information in the  
20 absentee ballot register. The county clerk shall then  
21 determine if the applicant is a voter, an absent uniformed  
22 services voter or an overseas voter.

23           B. If the applicant does not have a valid  
24 certificate of registration on file in the county and is not a  
25 federal qualified elector or if the applicant states that the

.175611.1

underscored material = new  
[bracketed material] = delete

1 applicant is a federal qualified elector but the application  
2 indicates the applicant is not a federal qualified elector, an  
3 absentee ballot shall not be issued and the county clerk shall  
4 mark the application "rejected" and file the application in a  
5 separate file from those accepted.

6 C. The county clerk shall notify in writing each  
7 applicant of the fact of acceptance or rejection of the  
8 application and, if rejected, shall explain why the application  
9 was rejected.

10 ~~[D. If the applicant has on file with the county a~~  
11 ~~valid certificate of registration that indicates that the~~  
12 ~~applicant is a voter who is a new registrant and who registered~~  
13 ~~by mail without submitting the required voter identification,~~  
14 ~~the county clerk shall notify the voter that the voter must~~  
15 ~~submit with the absentee ballot the required physical form of~~  
16 ~~identification. The county clerk shall note on the absentee~~  
17 ~~ballot register and signature roster that the applicant's~~  
18 ~~absentee ballot must be returned with the required~~  
19 ~~identification.~~

20 E.] D. If the county clerk finds that the applicant  
21 is a voter other than a federal qualified elector or overseas  
22 voter, the county clerk shall mark the application "accepted"  
23 and, beginning twenty-eight days before the election, deliver  
24 an absentee ballot to the voter in the county clerk's office or  
25 mail to the applicant an absentee ballot and the required

.175611.1

underscored material = new  
[bracketed material] = delete

1 envelopes for use in returning the ballot. If the county clerk  
2 finds that the applicant is a federal qualified elector or  
3 overseas voter, the county clerk shall mark the application  
4 "accepted" and beginning forty-five days before the election,  
5 mail to the applicant an absentee ballot and the required  
6 envelopes for use in returning the ballot. Acceptance of an  
7 application of a federal qualified elector constitutes  
8 registration for the election in which the ballot is to be  
9 cast. Acceptance of an application from an overseas voter who  
10 is not an absent uniformed services voter constitutes a request  
11 for changing information on the certificate of registration of  
12 any such voter. An absent voter shall not be permitted to  
13 change party affiliation during those periods when change of  
14 party affiliation is prohibited by the Election Code. Upon  
15 delivery of an absentee ballot to a voter in the county clerk's  
16 office or mailing of an absentee ballot to an applicant who is  
17 a voter, an appropriate designation shall be made on the  
18 signature line of the signature roster next to the name of the  
19 voter who has been provided or mailed an absentee ballot.

20 [F.] E. If an application for an absentee ballot is  
21 delivered in person to the county clerk and is accepted, the  
22 county clerk shall provide the voter an absentee ballot and it  
23 shall be marked by the applicant in a voting booth of a type  
24 prescribed by the secretary of state, sealed in the proper  
25 envelopes and otherwise properly executed and returned to the

.175611.1

underscored material = new  
[bracketed material] = delete

1 county clerk or the clerk's authorized representative before  
2 the voter leaves the office of the county clerk. The act of  
3 marking the absentee ballot in the office of the county clerk  
4 shall be a convenience to the voter in the delivery of the  
5 absentee ballot and does not make the office of the county  
6 clerk a polling place subject to the requirements of a polling  
7 place in the Election Code other than is provided in this  
8 subsection. It is unlawful to solicit votes, display or  
9 otherwise make accessible any posters, signs or other forms of  
10 campaign literature whatsoever in the clerk's office or  
11 alternate voting location. Absentee ballots may be marked in  
12 person at the county clerk's office during the regular hours  
13 and days of business beginning on the twenty-eighth day  
14 preceding the election and from 10:00 a.m. to 6:00 p.m. on the  
15 Saturday immediately prior to the date of the election. In  
16 marking the absentee ballot, the voter, pursuant to the  
17 provisions of Section 1-12-15 NMSA 1978, may be assisted by one  
18 person of the voter's choice.

19 ~~[G.]~~ F. Absentee ballots shall be sent to  
20 applicants not later than on the Friday immediately prior to  
21 the date of the election.

22 ~~[H.]~~ G. An absentee ballot shall not be delivered  
23 or mailed by the county clerk to any person other than the  
24 applicant for such ballot.

25 ~~[I.]~~ H. The secretary of state and each county

.175611.1

underscored material = new  
[bracketed material] = delete

1 clerk shall make reasonable efforts to publicize and inform  
2 voters of the times and locations for absentee voting;  
3 provided, however, that notice is provided at least ten days  
4 before early voting begins.

5 ~~[J-]~~ I. The secretary of state shall establish  
6 procedures for the submittal, when required by federal law, of  
7 required voter identification with mailed-in absentee ballots."

8 Section 6. Section 1-6-5.7 NMSA 1978 (being Laws 2005,  
9 Chapter 270, Section 40) is amended to read:

10 "1-6-5.7. EARLY VOTING--USE OF ABSENTEE VOTING  
11 PROCEDURES--ALTERNATE VOTING LOCATIONS.--

12 A. Commencing on the third Saturday prior to an  
13 election, an early voter may vote in person on a voting system  
14 at an alternate voting location established by the county  
15 clerk. In class A counties with more than two hundred thousand  
16 registered voters, the county clerk shall establish not less  
17 than twelve alternate voting locations as a convenience to the  
18 voters. For class A counties with two hundred thousand  
19 registered voters or fewer, the county clerk shall establish  
20 not less than four alternate voting locations. In non-class A  
21 counties with more than ten thousand registered voters, the  
22 county clerk shall establish at least one alternate voting  
23 location. In non-class A counties with ten thousand registered  
24 voters or fewer, early voting shall be conducted in the office  
25 of the county clerk or at such ~~[alternative]~~ alternate

.175611.1

underscored material = new  
[bracketed material] = delete

1 locations as may be designated by the county clerk. Early  
2 voting may be done at an alternate location from 12:00 p.m. to  
3 8:00 p.m., Tuesday through Friday, and from 10:00 a.m. to 6:00  
4 p.m., Saturday through the Saturday immediately prior to the  
5 election.

6 B. When voting early, the voter shall provide the  
7 required voter identification to the county clerk or the  
8 clerk's authorized representative. If the voter does not  
9 provide the required voter identification, the voter shall be  
10 allowed to vote on a provisional ballot. Provisional ballots  
11 issued pursuant to the provisions of this subsection shall be  
12 counted only if:

13 (1) the voter presents to the county clerk no  
14 later than three days following election day the required voter  
15 identification;

16 (2) the voter did not vote elsewhere in that  
17 election; and

18 (3) the voter was registered to vote in the  
19 election.

20 C. If the voter provides the required  
21 identification, the voter shall be allowed to vote after  
22 subscribing an application to vote in accordance with secretary  
23 of state rules. The county clerk or the clerk's authorized  
24 representative shall make an appropriate designation on the  
25 signature roster next to the voter's name indicating that the

.175611.1

underscored material = new  
[bracketed material] = delete

1 voter has voted early."

2 Section 7. Section 1-6-8 NMSA 1978 (being Laws 1969,  
3 Chapter 240, Section 134, as amended) is amended to read:

4 "1-6-8. ABSENTEE BALLOT ENVELOPES.--

5 A. The secretary of state shall prescribe the form  
6 of, procure and distribute to each county clerk a supply of:

7 (1) official inner envelopes for use in  
8 sealing the completed absentee ballot;

9 (2) official mailing envelopes for use in  
10 returning the official inner envelope to the county clerk;  
11 provided the official mailing envelope for absentee ballots in  
12 a general election shall contain no designation of party  
13 affiliation;

14 (3) absentee ballot instructions, describing  
15 proper methods for completion of the ballot and returning it;  
16 and

17 (4) official transmittal envelopes for use by  
18 the county clerk in mailing absentee ballot materials.

19 B. Official transmittal envelopes and official  
20 mailing envelopes for transmission of absentee ballot materials  
21 to and from the county clerk and federal qualified electors  
22 shall be printed in the form prescribed by the federal  
23 Uniformed and Overseas Citizens Absentee Voting Act. Official  
24 transmittal envelopes and official mailing envelopes for  
25 transmission of absentee ballot materials to and from the

.175611.1

underscored material = new  
[bracketed material] = delete

1 county clerk and voters shall be printed in black in  
2 substantially similar form. All official inner envelopes shall  
3 be printed in black.

4 C. The reverse of each official mailing envelope  
5 shall contain a form to be executed by the voter completing the  
6 absentee ballot. The form shall identify the voter and shall  
7 contain the following statement: "I will not vote in this  
8 election other than by the enclosed ballot. I will not receive  
9 or offer any compensation or reward for giving or withholding  
10 any vote."

11 D. The official mailing envelope shall contain a  
12 space for the voter to record the voter's name, registration  
13 address ~~[and]~~, year of birth and required voter identification.  
14 The envelope shall have a security flap to cover this  
15 information."

16 Section 8. Section 1-6-9 NMSA 1978 (being Laws 1969,  
17 Chapter 240, Section 135, as amended) is amended to read:

18 "1-6-9. MANNER OF VOTING.--

19 A. A person voting pursuant to the Absent Voter Act  
20 shall secretly mark the absentee ballot in the manner provided  
21 in the Election Code for marking paper ballots, place it in the  
22 official inner envelope and securely seal the envelope. The  
23 voter shall then place the official inner envelope inside the  
24 official mailing envelope and securely seal the envelope. The  
25 voter shall then complete the form on the reverse of the

.175611.1

underscored material = new  
[bracketed material] = delete

1 official mailing envelope, which shall include an affirmation  
2 by the voter under penalty of perjury that the facts stated in  
3 the form are true and the voter's name, registration address  
4 [~~and~~], year of birth and required voter identification.

5 B. Federal qualified electors and overseas voters  
6 shall either deliver or mail the official mailing envelope or  
7 electronically transmit the absentee ballot to the county clerk  
8 of their county of residence or deliver it to a person  
9 designated by federal authority to receive executed ballots for  
10 transmission to the county clerk of the county of residence or  
11 former residence as the case may be. Voters shall either  
12 deliver or mail the official mailing envelope to the county  
13 clerk of their county of residence."

14 Section 9. Section 1-6-14 NMSA 1978 (being Laws 1971,  
15 Chapter 317, Section 11, as amended) is amended to read:

16 "1-6-14. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER  
17 PRECINCT BOARDS.--

18 A. Before opening an official mailing envelope, the  
19 presiding judge and the election judges shall determine that  
20 the required information has been completed on the reverse side  
21 of the official mailing envelope.

22 B. If the voter's signature is missing, the  
23 presiding judge shall write "Rejected" on the front of the  
24 official mailing envelope. The election clerks shall enter the  
25 voter's name in the signature rosters and shall write the

.175611.1

underscored material = new  
[bracketed material] = delete

1 notation "Rejected--Missing Signature" in the "Notations"  
2 column of the signature rosters. The presiding judge shall  
3 place the official mailing envelope unopened in an envelope  
4 provided for rejected ballots, seal the envelope and write the  
5 voter's name on the front of the envelope and deposit it in the  
6 locked ballot box.

7 C. If the required voter identification is not  
8 under the flap or in the window pocket under the flap on the  
9 official mailing envelope, the presiding judge shall place the  
10 official mailing envelope unopened in an envelope provided for  
11 ballots lacking the required voter identification. A list of  
12 all voters who mailed in absentee ballots without the required  
13 voter identification shall be posted by the county clerk in the  
14 county clerk's office on the first day after election day.  
15 Absentee ballots received by the county clerk without the  
16 required voter identification shall not be counted unless the  
17 voter provides the county clerk with the required voter  
18 identification within three days after posting of the list and  
19 the county clerk determines that the voter did not vote  
20 elsewhere in that election.

21 [~~C.~~] D. A lawfully appointed challenger may examine  
22 the official mailing envelope and may challenge the ballot of  
23 any absent voter for the following reasons:

24 (1) the official mailing envelope has been  
25 opened prior to being received by the absent voter precinct

.175611.1

underscored material = new  
[bracketed material] = delete

1 board; or

2 (2) the person offering to vote is not a  
3 federal voter, federal qualified elector, overseas voter or  
4 voter as provided in the Election Code.

5 Upon the challenge of an absentee ballot, the election  
6 judges and the presiding election judge shall follow the same  
7 procedure as when ballots are challenged when a person attempts  
8 to vote in person. If a challenge is upheld, the official  
9 mailing envelope shall not be opened but shall be placed in an  
10 envelope provided for challenged ballots. The same procedure  
11 shall be followed in canvassing and determining the validity of  
12 challenged absentee ballots as with other challenged ballots.

13 [~~D.~~] E. If the official mailing envelope has been  
14 properly subscribed and the voter has not been challenged:

15 (1) the election clerks shall enter the absent  
16 voter's name and residence address as shown on the official  
17 mailing envelope in the signature rosters and shall mark the  
18 notation "AB" opposite the voter's name in the "Notations"  
19 column of the signature rosters; and

20 (2) only between 8:00 a.m. and 5:00 p.m. on  
21 the five days preceding election day, including Saturday and  
22 Sunday, and beginning at 7:00 a.m. on election day, under the  
23 personal supervision of the presiding election judge, shall the  
24 election judges open the official mailing envelope and the  
25 official inner envelope and insert the enclosed ballot into an

.175611.1

underscored material = new  
[bracketed material] = delete

1 electronic voting machine to be registered and retained until  
2 votes are counted and canvassed following the closing of the  
3 polls on election night.

4 ~~[E.]~~ F. It is unlawful for a person to disclose the  
5 results of a count and tally or the registration on a voting  
6 machine of absentee ballots prior to the closing of the polls.

7 ~~[F.]~~ G. Absentee ballots shall be counted and  
8 tallied on an electronic voting machine as provided in the  
9 Election Code.

10 ~~[G.]~~ H. Absent voter precinct polls shall close in  
11 accordance with Section 1-6-23 NMSA 1978, and the results of  
12 the election shall be certified as prescribed by the secretary  
13 of state.

14 ~~[H. If an absentee ballot does not contain the~~  
15 ~~identification required pursuant to Subsection D of Section~~  
16 ~~1-6-5 NMSA 1978, it shall be handled as a provisional paper~~  
17 ~~ballot in accordance with the Election Code.]"~~

18 Section 10. Section 1-12-7.1 NMSA 1978 (being Laws 1969,  
19 Chapter 240, Section 112, as amended) is amended to read:

20 "1-12-7.1. VOTER LISTS--SIGNATURE ROSTERS--CHECKLIST OF  
21 VOTERS--USE DURING ELECTION.--

22 A. Each precinct board using voter lists shall post  
23 securely at or near the entrance of the polling place one copy  
24 of an alphabetical list of voters for use of the voters prior  
25 to voting. The posted copy shall not contain a listing of

.175611.1

underscored material = new  
[bracketed material] = delete

1 voter addresses, years of birth, unique identifiers or social  
2 security numbers.

3 B. The presiding judge of the precinct board shall  
4 assign one judge of the board to be in charge of one copy of  
5 the checklist of voters, which shall be used to confirm the  
6 registration and voting of each person offering to vote.

7 C. The presiding judge of the precinct board shall  
8 assign one election clerk to be in charge of the signature  
9 roster.

10 D. The judge assigned to the checklist of voters  
11 used for confirmation of registration and voting shall  
12 determine that each person offering to vote is registered and,  
13 in the case of a primary election, that the voter is registered  
14 in a party designated on the primary election ballot. If the  
15 person's registration is confirmed by the presence of the  
16 person's name on the checklist of voters and the voter provides  
17 the required voter identification, the judge shall announce to  
18 the election clerks the list number and the name of the voter  
19 as shown on the checklist of voters. If the voter does not  
20 provide the required voter identification, the voter shall be  
21 allowed to vote on a provisional ballot in accordance with the  
22 provisions of Section 1-12-8 NMSA 1978 and shall provide the  
23 required voter identification to the county clerk's office  
24 [~~before the county canvass begins~~] within three days of the  
25 closing of the polls, or to the precinct board before the polls

.175611.1

underscored material = new  
[bracketed material] = delete

1 close, or the voter's provisional ballot shall not be  
2 qualified. If the required voter identification is provided,  
3 the voter's provisional ballot shall be qualified and the voter  
4 shall not vote on any other type of ballot.

5 E. The election clerk shall locate that list number  
6 and name on the signature roster and shall require the voter to  
7 sign the voter's usual signature or, if unable to write, to  
8 make the voter's mark opposite the voter's printed name. If  
9 the voter makes the voter's mark, it shall be witnessed by one  
10 of the judges of the precinct board. [~~If the signature roster  
11 indicates that the voter is required to present a physical form  
12 of identification before voting, the election judge shall ask  
13 the voter for the required physical form of identification. If  
14 the voter does not provide the required identification, the  
15 voter shall be allowed to vote on a provisional paper ballot;  
16 provided, however, that if the voter brings the required  
17 physical form of identification to the polling place after  
18 casting a provisional ballot, that ballot shall be qualified  
19 and the voter shall not vote on any other type of ballot.~~]

20 F. The election judge shall follow the procedures  
21 provided for in Sections 1-12-7.2 and 1-12-8 NMSA 1978 if a  
22 person whose name does not appear on the signature roster  
23 requests to vote or a person is required to vote on a  
24 provisional paper ballot.

25 G. A voter shall not be permitted to vote until the

.175611.1

underscored material = new  
[bracketed material] = delete

1 voter has properly signed the voter's usual signature or made  
2 the voter's mark in the signature roster.

3 H. After the poll is closed, the election clerk in  
4 charge of the signature roster shall draw a single horizontal  
5 line in ink through each signature space in the signature  
6 roster where no signature or mark appears."

7 Section 11. Section 1-12-8 NMSA 1978 (being Laws 1969,  
8 Chapter 240, Section 247, as amended) is amended to read:

9 "1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING.--

10 A. A person shall be permitted to vote on a  
11 provisional paper ballot even though the person's original  
12 certificate of registration cannot be found in the county  
13 register or even if the person's name does not appear on the  
14 signature roster, provided:

15 (1) the person's residence is within the  
16 boundaries of the county in which the person offers to vote;

17 (2) the person's name is not on the list of  
18 persons submitting absentee ballots; and

19 (3) the person executes a statement swearing  
20 or affirming to the best of the person's knowledge that the  
21 person is a qualified elector, is currently registered and  
22 eligible to vote in that county and has not cast a ballot or  
23 voted in that election.

24 B. A voter shall vote on a provisional paper ballot  
25 if the voter:

.175611.1

underscored material = new  
[bracketed material] = delete

1 (1) has not previously voted in a general  
2 election in New Mexico or has been purged from the voter list;

3 (2) registered to vote by mail;

4 (3) did not submit the ~~[physical form of the]~~  
5 required voter identification with the certificate of  
6 registration form; and

7 (4) does not present to the election judge [~~a~~  
8 ~~physical form of~~] the required voter identification.

9 C. A voter shall vote on a provisional ballot in  
10 accordance with the provisions of Paragraph (3) of Subsection A  
11 of this section and Section 1-12-7.1 NMSA 1978 if the voter  
12 does not provide the required voter identification to the  
13 election judge.

14 D. An election judge shall have the voter sign the  
15 signature roster and issue the voter a provisional paper  
16 ballot, an outer envelope and an official inner envelope. The  
17 voter shall vote on the provisional paper ballot in secrecy  
18 and, when done, place the ballot in the official inner envelope  
19 and place the official inner envelope in the outer envelope and  
20 return it to the precinct officer. The election judge shall  
21 ensure that the required information is completed on the outer  
22 envelope, have the voter sign it in the appropriate place and  
23 place it in an envelope designated for provisional paper  
24 ballots.

25 E. Knowingly executing a false statement

.175611.1

underscored material = new  
[bracketed material] = delete

1 constitutes perjury as provided in the Criminal Code of this  
2 state, and voting on the basis of such falsely executed  
3 statement constitutes fraudulent voting."

4 Section 12. Section 1-12-10 NMSA 1978 (being Laws 1969,  
5 Chapter 240, Section 249, as amended) is amended to read:

6 "1-12-10. CONDUCT OF ELECTION--VOTER'S NAME, ADDRESS,  
7 SIGNATURE.--

8 A. When a voter [~~presents himself~~] offers to vote  
9 at the polls, [~~to vote, he~~] the voter shall announce [~~his~~] the  
10 voter's name and address in an audible tone of voice. When an  
11 election judge finds the voter's name in the signature roster,  
12 [~~he~~] the election judge shall in like manner repeat the name of  
13 the voter. The election judge shall then ask the voter to  
14 provide the required voter identification. The voter shall  
15 then sign [~~his~~] the voter's name or make [~~his~~] the voter's mark  
16 on the signature line in the copy of the signature roster to be  
17 returned to the county clerk. Upon the voter's name or mark  
18 being written in the signature roster, a challenge may be  
19 interposed as provided in the Election Code.

20 B. If a voter fails to provide the required voter  
21 identification, the voter shall be allowed to vote on a  
22 provisional ballot in accordance with the provisions of  
23 Sections 1-12-7.1 and 1-12-8 NMSA 1978."